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Amendment to the Claims:

This listing of claims replaces all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method of managing data packets in a network comprising:

determining whether a low resource condition exists in ~~the~~ a shared memory subsystem at a first time;

if a low resource condition exists in the shared memory subsystem at the first time:

marking a current data packet as a marked data packet;

processing an array of data packets, wherein each data packet in the array is flagged for buffering;

checking the resource condition in the shared memory subsystem at a second time later than the first time; and

~~returning to the marked data packet and removing all buffering flags from the data packets if the resources are not low~~ in the shared memory subsystem at the second later time;

~~copying all flagged data packets to a buffer; and~~

~~copying all remaining data packets to a host memory.~~

2. (Currently Amended) The method of Claim 1, further comprising:

receiving the array of data packets; and

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copying the array of data packets into a shared memory of the shared memory subsystem.

3. (Currently Amended) The method of Claim 1, further comprising providing a software driver with descriptors of each of the array of data packets.

4. (Currently Amended) The method of Claim 1, further comprising copying the array of data packets to ~~the~~ a host memory if a low resource condition does not exist in the network at the first time.

5. (Currently Amended) The method of Claim 1, further comprising determining each of the array of data packets ~~in the~~ array has been processed.

6. (Currently Amended) The method of Claim 2, further comprising copying the array of data packets to the host memory in the order the data packets were received.

7. (Currently Amended) The method of Claim 2, further comprising receiving the array of data packets with a network controller.

8. (Currently Amended) A method of transferring data packets comprising:

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marking a ~~first~~ specific received data packet;

flagging ~~any~~ the specific packet and a plurality of
subsequently received data packets for buffering with buffering
flags;

subsequent to flagging the plurality of subsequently
received data packets, determining network resources are
available; and

removing ~~any~~ the buffering flags based on the determining
network resources are available beginning with the marked first
data packet.

9. (Currently Amended) The method of Claim 8, further
comprising determining initial network resources are lowlimited.

10. (Currently Amended) The method of Claim 8, further
comprising copying each data packet to a host memory subsequent
to removing the buffering flags.

11. (Currently Amended) The method of Claim 10, further
comprising, prior to marking the specific received data packet:
receiving data packets; and
copying the data packets into a shared memory.

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12. (original) The method of Claim 11, further comprising copying the data packets to the host memory in the order the data packets were received.

13. (Currently Amended) The method of Claim 8, wherein the specific packet and the plurality of subsequently received data packets are included in an array of data packets, and further comprising processing an the array of data packets.

14. (Currently Amended) An apparatus, including instructions residing on a machine-readable storage medium, for use in a machine system to handle a plurality of instructions, the instructions causing the machine to:

determine whether a low resource condition exists in the a network at a first time;

if a low resource condition exists in the shared memory subsystem at the first time:

mark a current data packet as a marked data packet;

process an array of data packets, wherein each data packet in the array is flagged for buffering;

check the resource condition in the network at a second time later than the first time; and

~~return to the marked data packet and removing all buffering~~
flags from the data packets if the resources are not low;

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~~copy all flagged data packets to a buffer, and~~
~~copy all remaining data packets to a host memory.~~

15. (original) The apparatus of Claim 14, further causing the machine to provide a software driver with descriptors of each data packet.

16. (Currently Amended) The apparatus of Claim 14, further causing the machine to copy the array of data packets to the a host memory if a low resource condition does not exist in the network at the first time.

17. (original) The apparatus of Claim 14, further causing the machine to determine whether each data packet in the array has been processed.

18. (original) The apparatus of Claim 15, further causing the machine to copy the data packets to the host memory in the order the data packets were received.

19. (New) The method of claim 1, further comprising:
subsequent to the second time, copying all flagged data packets to a buffer.

20. (New) The method of claim 1, further comprising:

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subsequent to the second time, copying all unflagged data
packets to a host memory.

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